

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAYRA JOSENIA FERREYRA

SANTOS,

Plaintiff,

20-CV-5253 (JPO)

-v-

ORDER

CARINA VILLALONA and

MAYOBANEX VILLALONA,

Defendants.

J. PAUL OETKEN, District Judge:

Rule 55(c) of the Federal Rules of Civil Procedure allow the Court to “set aside an entry of default for good cause.” This is a “lenient standard,” as “[d]efaults are not favored, particularly when the case presents issues of fact” and the default was not “willful.” *Meehan v. Snow*, 652 F.2d 274, 277 (2d Cir. 1981). After a failed attempt to retain counsel and settle this matter, Defendants filed a one-month-late, *pro se* answer broadly denying the facts alleged in Plaintiff’s complaint. (Dkt. No. 17.) Defendants attribute their delayed response to difficulties in obtaining counsel, financial and health issues, and the ongoing COVID-19 pandemic. (Dkt. No. 18.) Defendants have shown good cause, notwithstanding any prejudice to Plaintiff, and their motion to set aside the entry of default is granted.

The Court, however, agrees with Plaintiff that the *pro se* answer filed by Defendants is likely insufficient under Rule 8(b) of the Federal Rules of Civil Procedure. Defendants’ “general denial” of Plaintiff’s allegations would be proper only if Defendants “intend[] in good faith to deny *all the allegations* of [Plaintiff’s complaint]—including the jurisdictional grounds.” Fed. R. Civ. P. 8(b)(3) (emphasis added). Otherwise, Defendants must specifically respond to Plaintiff’s complaint, denying, admitting, or acknowledging their lack of information about each

of Plaintiff's factual statements. The Court directs Defendants to file an answer that complies with Rule 8(b) on or before November 3, 2020.

Furthermore, the Court recognizes the interest of the parties in resolving this matter expeditiously and Defendant's request for Court-ordered mediation. (Dkt. No. 17.) Plaintiff shall file a letter on or before November 10, 2020, informing the Court whether she is amenable to participating in the Court-annexed Mediation Program.

SO ORDERED.

Dated: October 13, 2020
New York, New York



J. PAUL OETKEN
United States District Judge

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